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Be a Guardian of Justice • On Ethical Obligations and Deepening Connections • Attorney and Client Perspectives on the Mutual Benefits of Pro Bono • Preventing Homelessness, One Tenant at a Time • Does It Take a Natural Disaster? • Map of Legal Services Providers Offering Volunteer Opportunities • The Top 5 Myths for Avoiding Pro Bono
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Washington State Bar News

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• SPECIAL ISSUE •
Pro Bono and You

29 5 Steps to Pro Bono: How Your Law Firm Can Develop a Successful Program
  by Joanna Plichta Boisen

31 Be a Guardian of Justice
  by Judge Steven C. González

21 What I’ve Learned: Tips and Advice for Working with Vulnerable Clients
  by Merf Ehman

19 Preventing Homelessness, One Tenant at a Time
  by Maureen Roor

13 Legal Synergy: Attorney and Client Perspectives on the Mutual Benefits of Pro Bono

26 On Ethical Obligations and Deepening Connections
  Seattle University Student Adrienne Stuart Talks with LSC Board Member Harry Korrell

36 Passion for Pro Bono: A Conversation with Law Students and Lawyers

41 The Top 5 Myths for Avoiding Pro Bono: Making the Case for Volunteering
  by Michael F. Cressy, Alison Holcomb, and Randall Winn

44 Ethics Corner: Considerations for Moderate Means and Pro Bono Representation
  by Jeanne Marie Clavere

DEPARTMENTS

7 President’s Corner
  Does It Take a Natural Disaster?
  by Steven G. Toole

9 Executive’s Report
  Actions May Speak Louder than Words
  by Paula Littlewood

64 The Bar Beat
  A Good Deal
  by Michael Heatherly

47 Raising the Bar: The Promise of Civility in Our Profession
  Civility in Our Conversations about Race and Culture
  by Judge Mary I. Yu

63 Briefly About Me
  Jorge L. Barón

LISTINGS

49 FYI

53 Disciplinary Notices

53 Announcements

55 Professionals

57 CLE Calendar

59 Classifieds

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[Kim Kime-Parks on the tenth anniversary of her son’s death.]

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Does It Take a Natural Disaster?

It seems to me that earlier in my life it was relatively rare to wake up in the morning, open the newspaper, and see headlines of a natural disaster somewhere in the world killing and injuring thousands of people and displacing thousands upon thousands of families. However, in more recent years this unfortunately seems to be an all too familiar occurrence, and the death tolls from these disasters strike me as being significantly, if not exponentially, larger. Now it seems as though we aren’t even able to recover from one disaster before the next one hits.

The headlines from recent disasters are way too fresh in my mind — Hurricane Katrina; the tsunami in Thailand; the earthquakes in Haiti, Chile, and New Zealand; and now the earthquake and tsunami in Japan.

Although the impact of these disasters is most devastating on the people living in the wake of the disasters, the ripples go far beyond. Not only are friends and families of people in the strike zone affected, but even strangers have their lives changed. We feel pain for the victims and their families. We follow news accounts religiously. We contribute to the efforts of organizations like the Red Cross, to help where money can help. If there is any silver lining in these disasters, it is that they tend to bring out the humanity in people. We particularly see this in professionals in the healthcare industry. Doctors and nurses shut down their practices, put their lives on hold, go to the disaster area, and provide support, frequently not only putting their finances at risk, but putting their lives in danger.

When I read about the people who do that, I feel envy. I wish I had the type of life and experience and the financial ability to be able to do that. I would love to be able give 100 percent like they do and to accomplish so much good. That is truly leaving a footprint in this world and making the world a better place. We can learn much from these good Samaritans who leave their families, their comfortable homes, and life as they know it to help strangers who are in such great need.

As lawyers, we are in a unique position of our own. We may or may not be able to help the victims of these catastrophic natural disasters, but even without such disasters, there is much we can do. The need for our expertise and our services is great. What we can provide may look completely different from what we see on the news and read about in newspapers. We may not pull people out of the rubble of demolished buildings or provide badly needed medical care to those who are just barely hanging on to their lives, but we do have the ability to pull people out of rubble and to help people who are just barely hanging on. I am talking about the rubble of lives thwarted by poverty and people who are facing financial ruin in our depressed economy. I am talking about our abilities and skills to help people maneuver through the morass of obstacles with which they are confronted in trying to navigate our complex legal system, just so they can enjoy the same rights and freedoms to which everyone in this country is entitled; to help them keep a roof over their heads and food on their tables; and to help them get out of unsafe relationships and to protect them against abuse and threats.

All of us are aware of the massive need for civil legal services. Many of us are already donating time and money, making a significant difference in the lives of others and helping our communities. Some may be tired of the seemingly constant requests to donate time or money to help the poor and those of moderate means. But this is a problem that isn’t going away. In response, one of the WSBA’s long-term strategic goals is to work to enhance the culture of service.
As lawyers, we are in a unique position of our own. We may or may not be able to help the victims of these catastrophic natural disasters, but even without such disasters, there is much we can do. The need for our expertise and our services is great. What we can provide may look completely different from what we see on the news and read about in newspapers.

client wanted guidance on how he could vacate two old misdemeanors, which resulted from convictions from 1991 and 1993. Even though the misdemeanor convictions were over 18 years old, they were affecting his ability to get work in a nursing-related field.

The next client had obtained a small claims default judgment for $5,000 against a national business with a local branch and wanted to know how she could now collect her judgment.

My third client had paid a day laborer $1,100 to purchase stereo equipment and install it. Although he is in regular communication with the worker, it has now been several months, the job has not been done, and he does not have his stereo equipment. He wanted to know his options.

The final client of the night was a woman who had leased a car, was making payments, and then the transmission blew on the car. She had worked out an agreement with the company that held the lease — it would pay for the repairs and allow her to reimburse the company by tacking on three additional months of payments to the end of the lease to cover the repairs. The leasing company committed in writing to the repair shop that it would pay the repairs, and then it reneged. Instead of paying the repair bill, the company turned over the title to the car to the repair shop and never even told the woman leasing the car what it had done. The lessor then proceeded to sue her for the balance owing on the lease even though she no longer owned or had possession of the car. She needed guidance as to how to present her defense at the district court trial that was coming up in a few weeks. We concluded at 9:00 p.m.

None of these matters involved areas of law that were precisely within my field of expertise. However, I drew upon my litigation experience, understanding of how things work in court, and basic common sense to give my clients guidance and practical options. I was also greatly assisted by using the Washington Lawyer Practice Manuals that were available at the clinic and online legal research and forms that I could access with my laptop. At the end of the evening, I had four very grateful and appreciative clients and a deep sense of personal satisfaction.

This year I am dividing my time among WSBA activities and duties, my law practice, and my family. It is important to me to continue to volunteer at legal clinics approximately once per month. If I can do it, you can do it. If you want to represent someone pro bono on a legal case but don’t have experience in that particular field, you can get assistance. The WSBA provides free or very low-cost training for many of the areas of law which typically come up in pro bono cases. Many county bars with legal clinics do the same. Not only do you get free training, but you get CLE credit. In some areas, mentoring is available. If you are interested, check with your local county bar, check with the WSBA, or contact me. One of us will help steer you in the right direction. You don’t need to look at those who volunteer their time and energy in the aftermath of natural disasters and think how meaningful it would be for you if you could do that. Give up television for one night and serve those in need in your own community. There’s no need to dust off your passport, and it doesn’t take a natural disaster to make a difference.

WSBA President Steven G. Toole can be reached at steve-wsba@sgtoolelaw.com or 425-455-1570.
Actions May Speak Louder than Words

Over the years as a member of this profession, I have served on many committees whose goals were to better the image of lawyers in the eyes of the public. These efforts have ranged from focusing on the legal work lawyers do to the volunteer work they do in their communities. Some campaigns were conducted over the radio or on billboards, while others targeted local newspapers or bar journals to get the message out. At its core, ours is a profession of service and lawyers rise to that call every day in many ways. Yet, despite all these well-organized and well-intentioned efforts, it seems the profession has barely been able to move the ball forward on improving the public’s opinion of lawyers.

When WSBA launched the Home Foreclosure Legal Aid Project almost two years ago, I began to realize that maybe talking about all that we do as a profession was not the key, but rather showing what we can do with our unique skills may be the answer. When the Home Foreclosure Project first launched, WSBA received numerous press calls. What struck me about the calls, though, was that they began somewhat differently than most calls from the media. Several of the calls went something like this:

  Reporter: Free legal help, really?
  Response: Yes, free legal help, that’s right.
  Reporter: That is so cool.

After this brief exchange, the reporters would then launch into the more formal interview mode customary with the press.

On reflection, I realized that, through the Home Foreclosure Project, we had turned the whole model on its head. That is, rather than lawyers being portrayed as money-grubbing opportunists, we were being seen as professionals dedicated to using our skills to help a society that was hurting. This truth, of course, is something we’ve known all along, but creating the opportunity for others to see these skills in action as opposed to us telling them about it may, in the end, be more effective.

Toward that end, WSBA has launched a recently adopted strategic goal (one of several) of “enhancing the culture of service within the WSBA membership” by creating a menu of opportunities for our members to give back to society. While hundreds and hundreds of our members already do so on a daily basis, our goal is to create additional opportunities for members to get involved with their communities in ways that work for them. In addition, WSBA is providing the tools members may need to get involved.

The range of opportunities for getting involved includes providing pro bono representation and taking reduced-fee cases through the Moderate Means Program, as well as ideas we are exploring for lawyers to get involved with their local schools.

As lawyers, we hold a unique position in society. As the only peer-regulated profession in the United States, we enjoy a social contract with society: in exchange for the privilege of being self-regulated, we must honor the duties and obligations we have not only to our clients but to society as a whole.

At the core of those duties is service. So let’s stop talking and let’s start showing.

Paula Littlewood is the WSBA executive director and can be reached at paulal@wsba.org.
When it comes to tax matters, you can never have too much talent.

Welcome Gary, Ada, Paige, Lisa, Stacy and Alana to the GSB Tax and Benefits Group.

Attorneys and paralegals pictured by row, front to back, left to right:

Vincent Cacciottoli  Norman Bruns  Melissa Love  Not pictured:
Ada Ko  Paige Davis  Sandy Ullorn  Roland Hjorth
Larry Brant  Jason Faas  Shirley Stores  James Kibble
Gary Tober  Teresa Byers  Wes Freese
Christine Brown  Lisa Findlay  Jill Chiocci
Kenneth Schubert, Jr.  Carla DewBerry  Deborah Cleland
Akane Suzuki  William Simon  Alana Rich

When it comes to tax matters, you can never have too much talent.

It only makes sense that the business partners you deal with day in and day out, like Pacific Continental banker Ken Yokoyama, are fluent in the language of your business. At Pacific Continental, our bankers not only speak small business with the agility of a CFO, they’re experts in delivering the financial services you need, when you need them...on your terms.
Washington lawyers and lawmakers have taken great care to create in our state one of the best legal aid safety nets in the country. It has taken courage and creativity from each branch of government. Despite our successes, we assist just one in five people facing an urgent legal problem. That means 80 percent of those in need attempt to represent themselves, default, or have valid legal claims that are never pursued. Legal aid can mean the difference between life and death, especially for families facing domestic violence, homelessness, or inadequate medical care.

The vulnerable in our society—children, returning veterans, seniors, those who are infirm or disabled, the socially and economically vulnerable—suffer the most when legal aid is not available.

A perfect storm has hit legal aid in our state. Struggling families are facing crises that they cannot survive alone. Requests for help in situations involving domestic violence have nearly tripled in the last two years, according to King County’s 2-1-1 Community Information Line. Veterans; seniors; and families facing foreclosure or eviction, loss of food stamps, or medical benefits are knocking on the doors of legal aid programs in record numbers. Some will find the offices vacant or understaffed. Unfortunately, as is the case across the country, resources that fund these programs are drying up. State and federal funding for civil legal aid is at more risk now than in recent memory. And the Interest on Lawyers’ Trust Accounts (IOLTA) program, which helps 25 legal aid organizations in Washington keep their doors open, has plummeted nearly 80 percent from roughly $9 million annually in 2008 to less
than $2 million in 2010. IOLTA-funded programs were operating on bare-bones budgets before the economic crisis hit, and while most have weathered funding cuts for the last three years, we all must be concerned about these critical services remaining available for struggling families in their time of need.

I have faith in Washington's legal community. We are guardians of the justice system and it shows in our charitable giving. In the past two years, our participation in the annual Campaign for Equal Justice — Washington's unified fundraising drive for legal aid — rose from 4 to 28 percent (that's lawyers and judges). This infusion of charitable support was in immediate response to a call for help from the legal aid community, which was reeling from the shock of IOLTA funding bottoming out almost overnight. What’s more, we didn’t just give once and walk away. In 2010, the Campaign had another record year for individual giving. And King County law firms gave an astounding $491,000 in their most generous year to date. Thanks to the legal community’s generosity, legal aid programs are able to meet the urgent legal needs of thousands more people.

We are also generous with our time. Washington's legal community is involved in vibrant state, local, and specialty bar associations; we serve on countless boards and committees. Most importantly, we provide legal help pro bono. Washington lawyers donated at least 70,000 hours in 2010. But unfortunately, still only a fraction of attorneys volunteer. We are members of a noble profession. I hope the tremendous untapped resource of legal expertise that resides in the rest of the lawyers in the state who did no pro bono last year can be tapped to provide the help desperately needed by thousands of families across the state. Otherwise, those in need will continue to be turned away from overwhelmed legal aid programs with nothing more than a stack of paperwork to help them keep their children safe or avoid homelessness.

If you want to do one thing this year that will make a world of difference in the life of a fellow human being, take on a case pro bono. Pro bono service is crucial to eliminating the justice gap in our state. If you haven’t already, sign up with your local volunteer lawyer program. These programs can provide you with the resources and assistance you will need to represent your client. You can help keep the promise of our democracy: liberty and justice for all. Be a part of what makes Washington great. You have never been needed more than today.

Be a part of what makes Washington great. You have never been needed more than today.

Judge Steven C. González is chair of the Washington State Supreme Court’s Access to Justice Board. He is a King County Superior Court judge, and the recipient of the Hispanic National Bar Association’s 2010 Latino Judge of the Year Award and the 2010 Outstanding Member Award from the Latina/o Bar Association of Washington.

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- Litigator and counselor for clients from all walks of life including workers, executives, and professional athletes

Three lawyers and three clients give their perspectives on pro bono projects that have made a difference in their lives.

HOME FORECLOSURE LEGAL AID PROJECT

Pro bono attorney
Rich Zahniser

John Austin

Attorney Rich Zahniser:

How did you get involved in pro bono?

Over my professional career, I have spent very little of that time practicing law. However, I view having a law license to be a great resource. I had been watching this issue and kept bugging Steve Frederickson from the Northwest Justice Project (an associate from a former life), and he put me in touch with the director of the Home Foreclosure Legal Aid Project. My client, Mr. Austin, is a single father with a son who has autism. He purchased his home in 2000. He became unemployed and was facing foreclosure and a trustee’s sale. He was applying for a federal Making Home Affordable Modification, but without employment he would not qualify. We were able to find mistakes in the foreclosure process, and as a result convince the trustee to cancel the sale. This extra time allowed Mr. Austin to secure employment, and he is currently being considered for a modification. I was able to stop the foreclosure and get Mr. Austin a second opportunity by investing about eight hours of my time.

Why are you passionate about this cause?

The injustices associated with the home finance phenomena we have been seeing for the last couple of years are huge in scope.

— Rich Zahniser
behavior on the part of those institutions was prevalent. The collapse of the home mortgage industry and related financial institutions caused the U.S. economy to crater and resulted in the largest recession in 70 years. The federal government later stepped in and financially supported those same corporations and financial institutions.

On the other side of the equation are families, often with children, or seniors, who are faced with losing their homes, sometimes homes they have owned for decades. The bread-winner or former bread-winner is faced with explaining to their children that they have to leave their home. Very often their financial difficulty is directly related to the economic downturn caused by the reckless behavior of financial institutions. It is that family being forced to leave their home under these circumstances that is my real motivator.

Client John Austin:

I have a son who has special needs, [he has] autism. I'm a single parent; my son's mother passed away when he was two. I have always been there, I've had him on my own, and he is 10 now. I have three college degrees; I'm a zoologist, and I've been premed. I'm still capable. I love kids and I volunteered at my local elementary school, which led to the job I'm in now, a substitute para-educator. I work one-on-one with students; because of my son I can identify with special-needs kids.

What was your experience handling your case on your own?

I started about two years ago. Before I was even late with my payment, I contacted the mortgage company to let them know. I used to be a caregiver; my client had died and I knew my income was going to be decreased and I would be late or couldn't make the payments. I exhausted all of my resources, savings, maxed out my credit cards — trying to maintain hope. I did that alone until March 2010. At that point, I contacted NJP. I had no help from my mortgage company, other than them sending me the same documents over and over again. I thought, I can't do all of this by myself, and that's when I contacted Rich and gave him the info. It's been crazy. It's been going on for almost two years. I had been telling them all along, I don't want to stay in here for free, I just want a modification. I felt they were setting me up to expedite the foreclosure; they weren't doing anything to try to work with me.

How did you find your pro bono attorney?

I had used NJP services once before when I had a situation with child support. I remembered NJP and called, and found out about the Home Foreclosure Legal Aid Project and called directly. They matched me with Mr. Zahniser. When I contacted them, I had a foreclosure sale date within a week.

What did it mean to you to have an attorney working on your case?

Well, I wanted some legal representation or someone to be there for me to be able to recognize what I'm going through as a citizen of the state of Washington dealing with a mortgage company like this. I knew if I'm going through this, there are probably thousands of other Washington citizens going through this. I contacted Rich because I didn't know what else to do. The mortgage company kept changing the foreclosure sale date and giving me the runaround. Rich found some kind of an irregularity in the foreclosure procedure that backed them off me. They had to start the procedure all over again.

My case hasn't been totally resolved yet, and we're still dealing with things, but we are hanging in there. The good thing is there is no sale date currently scheduled. I was getting ready to file bankruptcy. I didn't want to do that, but needed to stop the foreclosure.

I definitely got the help I needed. Just the comfort of knowing I have someone there. At this point it's going to be what it's going to be. I'm not going to go down without a fight, and it's good to know I'm not fighting on my own.

FIRST RESPONDERS WILL CLINIC

Pro bono attorney Sung Yang and client Officer Britt Sweeney

( Please note that Sung Yang was not the attorney who specifically worked with Officer Britt Sweeney. Each participated in a First Responders Will Clinic.)

Attorney Sung Yang:

What is your experience in the First Responders Will Clinic?

I am in the Global Commercial group of Starbucks Law & Corporate Affairs. I have been practicing for 10 years. I worked at Davis Wright Tremaine and Expeditors International of Washington before joining Starbucks. I started volunteering with this program in 2007. I have assisted a number of police officers by preparing basic estate-planning documents — Powers of Attorney, Last Will and Testaments, and Health Care Directives.

In some cases, the police officers had simple estate-planning needs and my role was limited to preparing documents on their behalf. In other cases, the engagement involved counseling, where I had an opportunity to help the clients analyze their priorities and assess whether
there was a way to allow those priorities to be fulfilled if unforeseen circumstances should arise. A lot of the counseling entailed my facilitating a conversation, in some cases for the first time, between a husband and wife regarding each individual’s desires if one of them should die. It wasn’t legal advice per se. It was helping the two individuals talk about important issues, such as identifying a guardian for their kids if both of them should die.

Why are you passionate about assisting the First Responders Will Clinic?
For most transactional attorneys, I think it is fair to say that we are committed to providing pro bono legal work when there are opportunities to leverage our backgrounds to support an organization or mission that aligns with principles we support. The First Responders Will Clinic definitely fits that criterion for me. The added benefit, which always makes volunteering pleasant, is that the organizers of the Will Clinic do so much work up front and in the background to make it easy for the volunteers. I think my connection to the Will Clinic has a lot to do with the program’s mission, memories of the clients I helped in the past, and my desire to support the efforts of the organizers of the Will Clinic.

How many hours do you usually spend at the First Responders Clinic?
The time commitment is relatively small. Each year, I attend a training session that lasts a couple of hours. As a member of the Starbucks Law & Corporate Affairs Pro Bono Committee, a number of us spent several hours planning and setting up to host the Will Clinic that takes place at the Starbucks Support Center. The event itself was a four-hour commitment.

How did you get involved in pro bono?
During my interviews with Davis Wright Tremaine, where I started my legal career, I met two lawyers who were strong proponents of performing pro bono work. It was clear that the firm was committed to pro bono legal services. As an associate at the firm, I took advantage of the firm’s pro bono policy and worked on a few transactional pro bono matters. It seemed like nearly every associate was working on at least one pro bono case or volunteering at a legal clinic. That exposure had a lasting impression.

Client Officer Britt Sweeney:
I am a police officer working patrol for the Seattle Police Department. I have been a sworn officer for a year and a half. Early in my career, in October 2009, my partner was shot and killed on the job and I was injured. I saw how life can take such a turn. I looked at everything that I had, and even though I don’t have a whole lot, I thought about how things could have ended that night and how my loved ones would have to deal with not just the grief but deal with my property too, and I didn’t have a will. It was a reality check.

How did you find out about the First Responders Will Clinic?
After my partner was killed, I realized I needed to get my ducks in order. One day on Facebook, I asked for suggestions of attorneys to look into a will. I don’t make a lot of money and I don’t have a ton of assets, so I didn’t want to go overboard, but I needed to know this was going to be done and done right. I got a response back from an officer on the guild who told me about the First Responders Will Clinic. He gave me the website address and I looked at it. I emailed [clinic director] Jenni Volk, she
got me an appointment, and responded to me directly. I was blown away by her quick response.

It was a great experience! They gave you the information ahead of time, so you did a bit of your homework, and then showed up. I went through that information, and had it ready to go. I showed up at my assigned time. It was so well organized. They had coffee and food, and people there to sign you up. It was done very quickly. I waited for them to do their review, handed it off, and got things signed. I left with documents in hand. I remember walking out and thinking that was amazing. I felt a huge relief. To me it was important that what was important to me was taken care of. I do feel good knowing that, should something happen to me, the people who love me won’t have to take care of these things. I can go with that comfort, at least.

What did it mean to you to have an attorney working on your case?
First responders, on their daily jobs, are putting their lives on the line. There are few other occupations (such as the military) where you go to work each day and think, I might not come home. Here was something that encourages people to take responsibility, to make sure their loved ones are cared for. This really was made so simple. All you had to do was send an email and show up. It’s a huge reward back to know others feel your efforts are worth it. Someone else cares that I put my life on the line each day, and they want to give something back. It doesn’t take much. I do that for them, and they do this for me; but it is absolutely huge. I really couldn’t thank my attorneys and Jenni Volk enough for putting in the time and effort.

ZRBG AND GHETTO REPARATIONS PROJECTS
(ZRBG stands for “Gesetz zur Zahlbarmachung von Renten aus Beschäftigungen in einem Ghetto,” a German pensions for work in ghettos program.)

Pro bono attorney Joanna Plichta Boisen and client Paul Grusz

Attorney Joanna Plichta Boisen:

How did you get involved in pro bono?

My firm, Foster Pepper PLLC, was one of the founding firms that started the ZRBG and Ghetto Reparations Projects in Seattle. We recognized that there was a constituency who was not receiving pro bono assistance: Holocaust survivors who worked in ghettos under Nazi occupation during World War II and were now entitled to reparations under two new German laws. We decided to launch two unique projects that would help those survivors access justice by applying for reparations funds or, in some cases, appealing denials.

Why are you passionate about this constituency/line of work?

It makes a big difference in my clients’ lives; all of them are elderly and most are low-income, so the reparations they receive make a significant difference. These survivors have already suffered so many injustices in the past: this is one way of giving back and making a positive difference in their future. Also, both sets of my grandparents were in slave labor camps (they were ethnic Poles) and since they were never compensated for their suffering, it makes me feel good that I can help those who have an opportunity to receive some sort of reparation.

How has your pro bono work benefited your practice?
With Paul’s case, the German government was wrongfully denying him reparations benefits to which he was entitled. I was
I have tried for many years to work with the German institutions and never got anywhere. Joanna knew who to call to keep the process moving forward, because she knows the process of German restitution very well and knows how to work with the German institutions.

— Paul Grusz

Client Paul Grusz:

What was your experience trying to handle your case on your own? I have tried for many years to get restitution from Germany. Every time I was denied. Either I did not have the correct documentation or the complex rules were changed several times. Or [I was told] I simply did not qualify. I was sent form letters that stalled my application. They were confusing to understand. I was not able to contact a human being for a quick answer.

How did you find your pro bono attorney? Joanna met my nephew, Leonard Feldman. Leonard is aware that I am a Holocaust survivor and thought I might benefit from Joanna’s help.

What did it mean to you to have an attorney working on your case? It meant a great deal to me that Joanna was able to work with me. I have tried for many years to work with the German institutions and never got anywhere. Joanna knew who to call to keep the process moving forward, because she knows the process of German restitution very well and knows how to work with the German institutions. Joanna was aware of a program that would pay me a lump sum and a small pension. She got the correct forms filled out and sent them off. I did get the lump sum and pension. I am very grateful.

— Paul Grusz

Paul Grusz as a child with his mother.
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Preventing Homelessness, One Tenant at a Time

by Maureen Roat

"I tout HJP to other lawyers at my firm because it is difficult to imagine a better opportunity for newer civil litigators to develop client interviewing skills and get real-time, first-chair, on-your-feet courtroom experience.

— Andy Guy, volunteer

It is a rainy Thursday morning in Kent, and the Maleng Regional Justice Center is bustling with activity. An elderly gentleman with a disability sits in silence on a bench outside the *ex parte* courtroom, his wife by his side. They are confused by the chain of events that brought them here — they always paid their rent on time and have been good tenants. Yet, like so many other families, they now find themselves on the brink of homelessness. Enter the King County Bar Association’s Housing Justice Project (HJP).

Each weekday at courthouses in counties across the state, volunteer attorneys from diverse practice areas and with varying degrees of legal experience come together with a singular mission: to prevent homelessness through eviction defense. These attorneys, supported by Housing Justice Project staff and dedicated volunteer legal assistants, offer free legal aid to low-income residents facing eviction. From general counseling, through negotiations with opposing counsel, to limited representation in show cause hearings, volunteers engage in a range of services on the client’s behalf.

The elderly couple makes their way down the hall to the modest KCBA Housing Justice Project office. A volunteer attorney and visiting law student tackle the case. After reviewing the paperwork, gathering the facts, and researching the law, it is apparent that the eviction notice is premised on a mis-
understanding. Adding to the tenants’ anxiety and shaken faith in the system, their previous attempt to explain the misunderstanding at a grievance hearing was unsuccessful. In their eyes, the hearing officer seemed to favor the public housing authority in upholding the decision to terminate the tenancy. The volunteer attorney challenges this determination in a ghost-written letter. With the tenants’ approval, the attorney faxes the letter to the housing authority.

The attorney-client encounter lasts no more than two hours, and the attorney completes her case notes and returns to her day job. Two days later, the housing authority reverses course and dismisses its termination decision and the elderly couple is able to stay in their home with restored peace of mind.

HJP-Kent Supervising Attorney Kerry Robinson describes the Housing Justice Project as the “no-briefcase volunteer experience,” where volunteers do not have to prepare for, or follow up after, their clinic work. Yet this is not to suggest that the volunteer attorney leaves empty-handed. To the contrary, attorneys leave HJP with an immediate realization of the value of their pro bono services. Stoel Rives’s pro bono coordinator and long-time volunteer, Andy Guy, elaborates, “I can’t overstake the personal and professional gratification I receive from knowing that I have helped someone avoid homelessness. I tout HJP to other lawyers at my firm because it is difficult to imagine a better opportunity for newer civil litigators to develop client interviewing skills and get real-time, first-chair, on-your-feet courtroom experience.”

With poverty statistics on the rise, it is not surprising that housing justice projects are seeing unprecedented demand for help in eviction proceedings. Indeed, the need for talented, motivated volunteers has never been greater. Kelly Delong, director of Chelan-Douglas Volunteer Attorney Services, which operates the program in Wenatchee, remarks, “Since we started this service in January 2009, we have seen a steady increase in the number of people seeking a volunteer’s help. The number of clients served by our housing justice project has doubled since the pilot year, many of whom were either disabled or families with young children. And, sad to say, the number of people sleeping in area homeless shelters has more than doubled since 2005.”

There are seven counties with active housing justice projects: Chelan, Clark, King, Pierce, Snohomish, Thurston, and Whatcom. To learn more about how to volunteer with a local housing justice project, contact the volunteer lawyer program in your area. Consult the map on pages 32–33 of this issue of Bar News to find information about the programs nearest you.

Maureen Roat is a staff attorney and case manager with the King County Bar Association’s Housing Justice Project. She can be reached at maureenr@kcba.org.

NOTE
On my first day as a legal aid law clerk, I was handed a stack of intake sheets and told to interview all of the walk-in clients. I was confident that I could handle the straightforward task of filling out an intake sheet. My first client came in. The beginning questions went well — name, address, and date of birth. Then I asked her what brought her into our office. Several hours later, I determined that she wanted legal help because her landlord was stealing her furniture and replacing it with exact replicas.

Now, after having the privilege of working with thousands of low-income clients, I know that working with clients is both an art and skill that takes knowledge and practice. In my experience, there are three key areas to a successful attorney-client relationship: context, structure, and productively addressing behavioral issues.

**Context**

Our backgrounds, experiences, beliefs, and assumptions create a context in which we relate to clients. Understanding our assumptions and beliefs about poverty, inequality, and the role of the legal system in peoples’ lives can be helpful when working with low-income people.

Some questions to ask yourself: What do I think causes poverty? What do I think about welfare? What are my assumptions about the legal system? For example, do I think the system is fair? Do I have any fears...
Our appellate practice group was busy in 2010. We had a “Baker’s Dozen” of oral arguments spread out amongst the Washington Supreme Court, all divisions of the Washington Court of Appeals, and the Ninth Circuit, and over 50 active appellate cases across the United States from Washington to New York, representing individuals, public entities, and private corporations in a wide variety of matters.

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Our appellate practice group was busy in 2010. We had a “Baker’s Dozen” of oral arguments spread out amongst the Washington Supreme Court, all divisions of the Washington Court of Appeals, and the Ninth Circuit, and over 50 active appellate cases across the United States from Washington to New York, representing individuals, public entities, and private corporations in a wide variety of matters.

We look forward to working with you in 2011.

Jason W. Anderson
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Structure

Create a roadmap for each client interaction. First, state the amount of time you have for the interaction. If a client wants to address issues that are outside the scope of the meeting, you can gently
remind the client of the amount of time left. The client can then choose to spend the time on the outside issue or go back to the pertinent issues. You can also let the client know up front how often and in what format you will contact the client.

Next, clarify your role and the client’s role. Clarify what you can do and what you cannot do for the client. Some clients have not worked with an attorney before, so explaining the attorney role is key. When I first started practicing, I represented a client in court. We won the case on a motion to dismiss, but the client was extremely upset. She explained to me that she did not understand that she would not be permitted to speak and tell her story at the hearing. She felt the court did not understand that she did nothing wrong and that she was a good person. I did not clearly explain my role to the client. Over the years, I realized that many clients assume they will be able to talk directly to the judge — just like on Judge Judy — and might not understand the attorney’s role. I learned to explain each step of the process and when and if the client would be expected to speak.

End your roadmap discussion by talking about expectations. Know ahead of time and be able to communicate to your client what you expect from the client. This could include informing you if the client’s address or phone number changes and specifying that the client should contact you if he receives certain paperwork. You should also address the best means to contact the client such as by mail, phone, email, or in-person meetings.

Ask the client about her expectations and discuss any that might be unrealistic and explain why that is the case. As with all clients, explain your expectation regarding what costs you expect the client to pay, statutory attorney fees you may receive, and any other routine matters. Sometimes it helps to read the retainer and other documents aloud.

Behavioral Issues
Once you start interacting regularly with your client, issues may arise. The most common concerns I have heard from pro bono attorneys are clients who might relay inaccurate information or clients who do not follow instructions. In my practice, I use a three-step process when these situations arise. First, I decide if it impinges on the client in-
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Merf Ehman is the managing attorney at Columbia Legal Services in the Seattle office. She has been a legal aid lawyer since 1998.

No by William Ury has great strategies for moving past an impasse.

In the last decade, I have had only one client relationship that I terminated due to a client’s behavioral issue. Almost all client interactions can be interesting and rewarding on many levels. A pro bono attorney can make a difference for a client and may learn a little something along the way.

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BILL BAKER
August 21, 1940 - January 17, 2011
On Ethical Obligations & Deepening Connections

Seattle University law student Adrienne Stuart talks with Legal Services Corporation Board Member Harry Korrell, of Davis Wright Tremaine.

It isn’t hard for Harry Korrell to explain the importance of doing pro bono work. When I asked Mr. Korrell what he says to his colleagues to persuade them to take a case without financial remuneration, he dove right into his “pitch.” “It’s our ethical obligation as attorneys, and it deepens your connection to the courts and to the profession,” he says. Having done pro bono work consistently throughout his career, Mr. Korrell, a partner at Davis Wright Tremaine LLP, encourages associates to take cases outside their normal scope of practice, including pro bono work. “I cannot say exactly how or when, but I guarantee that you will learn something useful for your own area of practice, and you will become a better attorney for the experience,” he explains.

“These would be hollow concepts if people who are poor did not have the same access to the court system as wealthy people and corporations. This goes to the legitimacy of our whole system of laws and government.”
Since his appointment by President Obama to the Board of Directors of the federally funded Legal Services Corporation (LSC), Mr. Korrell is finding opportunities to educate elected officials and the public about the work of LSC grantees. He serves on the LSC Board’s Audit Committee and its Operations and Regulations Committee.

These roles are important to him because he is committed to strengthening LSC’s internal financial and management oversight. The Corporation received $420 million from Congress for fiscal year 2010, and dispersed 95 percent of that to 136 nonprofit legal aid programs across the country. “Sometimes the grantees feel the oversight by LSC is burdensome, but the alternative is worse,” he explains. “It only takes one black eye — one situation in which money is used improperly or not accounted for properly — to put funding for LSC at risk,” he says. “If we want Congress and the taxpayers to continue to provide this funding, we have to be serious about making sure the money is used well and as intended. If we don’t do that, we risk losing it.”

For 2011, the Congressional Budget Office projects that if current laws remain unchanged, the federal budget will show a deficit of close to $1.5 trillion, or 9.8 percent of the GDP. Harry Korrell has a leadership role in promoting access to justice for all as the continued bleak economic picture has led to dramatic increases in the need for legal services experienced by society’s poorest and most vulnerable populations. Regarding the fight over fiscal year 2011 budget cuts in Congress, he says, “I look at other areas of the budget that are receiving similar levels of funding, and I don’t see many which are more fundamental to our republic. We are a nation of laws; the preamble to the Constitution says that one of its purposes is ‘to establish Justice.’ These would be hollow concepts if people who are poor did not have the same access to the court system as wealthy people and corporations. This goes to the legitimacy of our whole system of laws and government.”

One of Mr. Korrell’s priorities for his time on the board is to increase the amount of pro bono work done by private attorneys, which can ease the burden on legal aid organizations. When pressed for details about what it would actually take to get more private attorneys to engage in pro bono work, he said that one of the biggest barriers is that many lawyers who could easily take on some pro bono work are afraid they don’t have the skills or experience those cases require. He concedes that many attorneys lack the expertise to take on the kind of cases for which there is the greatest need. Roughly a third of the cases handled by LSC-funded lawyers are domestic relations cases, such as divorces, custody disputes, anti-harassment orders, etc., and many firms do not have lawyers currently doing this kind of work. But his argument is simple: “Lawyers learn new areas of law all the time when they want to — that’s what we do for our paying clients on a regular basis.” And he points to the death-penalty projects and Guantanamo detainee cases being handled by large firms. “I’m fairly certain they did not have a death-penalty practice group or a detainee-law department before they took on those cases. I’m not saying firms should not do those kinds of cases; don’t get me wrong. But these engagements show that where there is a will, there is a way. What I am saying is that if you can learn the law and procedures necessary to help Guantanamo detainees or someone on death row, you can learn how to help an abused spouse get a protective order or help with

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He understands that it can be a little unnerving to take on a case in a new area, but, he says, “There is training and support available, and I am certain that the result you obtain for the client will be better than if he or she had to try to navigate the system and handle the matter alone.”

a child support modification.” He understands that it can be a little unnerving to take on a case in a new area, but, he says, “There is training and support available, and I am certain that the result you obtain for the client will be better than if he or she had to try to navigate the system and handle the matter alone.”

He is proud of the support given to him and his colleagues by his firm, which has been consistently recognized as a pace-setter for its strong commitment to equal justice and for its pro bono efforts. “When a pro bono case comes in to us, we treat it like any other case. It gets all the resources of a national law firm. To encourage associates to take on pro bono cases, the firm gives them billable hour credit for the time spent on those cases,” he says.

Harry Korrell embodies the perfect combination of passionate commitment to equal justice and a pragmatic approach to ensuring accountability to the taxpayers who fund LSC. It’s no wonder that he has a presidential appointment recognizing him as an effective advocate for legal services funding, pro bono work, and for equal justice as the cornerstone of our democracy.

Adrienne Stuart is 1L at Seattle University where she is the founder and president of the Social Justice Policy Advocates student organization. She has served people in marginalized communities all of her life. She was the Thurston County Volunteer Legal Services Volunteer of the Year in 2009, and she served as the Dispute Resolution Center of Thurston County’s Board president and certified mediator.
Ten years ago, formal pro bono programs were rare. Attorneys performed pro bono as opportunities arose, but there was no appointed person in a leadership role to manage, coordinate, and develop a pro bono program for the firm. Today, pro bono programs have become so institutionalized and the hiring of pro bono counsel has become so widespread that The American Lawyer magazine recently labeled the phenomenon “almost unremarkable.”

How did the development of organized pro bono programs headed by pro bono counsel unfold in such a short period of time to become an important staple for law firms? Many factors came into play, but the following two were most influential: first, a cultural shift spearheaded by desirable law-school talent and valuable young associates who migrated towards firms with established pro bono programs that promised alignment of skill-set development and personal interests. Second, more clients started stressing the importance of corporate social responsibility, giving more work to law firms and lawyers who were willing to give back to the community.

Given the economic and marketing benefits of instituting a formal pro bono program, it is no wonder that so many firms have some sort of a program in place.
regard pro bono work. The same study showed that junior associates who work on pro bono cases develop strong skill sets (such as litigation, negotiation, and case management) early on and advance more quickly in their careers.

For firms that do not have pro bono programs in place but are interested in learning how to establish one, I have outlined five primary steps, which can be modified to fit a firm's culture, size, and means. Armed with these five steps, your firm can create a pro bono program that will make a difference in your community and benefit your attorneys.

**STEP 1**
Establish a pro bono committee.
The Pro Bono Committee is the program's governing body and has the ultimate decision-making authority on pro bono issues. The committee should include a chair who represents firm partnership's sentiments, both partner-level and associate-level attorneys, and at least one staff person to oversee administrative issues. If the firm has a pro bono counsel, coordinator, or manager, that person is also a member of the committee and relies on it to provide advice and feedback on the program's development and progress.

**STEP 2**
Create a pro bono policy.
Creating a policy is important because it channels pro bono work towards those whom RPC 6.1, Washington's Pro Bono Publico rule, is designed to protect — people of indigent means. It also discourages lawyers from claiming charitable credit for work performed on behalf of friends, family, clients, or nonprofits that could afford to pay for legal services. The policy should include the following: 1) information about how much pro bono counts toward the billable hour requirement; 2) clarification on bonus determinations; 3) a definition of pro bono work (usually it will mirror RPC 6.1); and 4) a general overview of the pro bono program. The policy should be reviewed annually and updated as necessary throughout the year.

**STEP 3**
Hire pro bono counsel or appoint a pro bono coordinator.
Pro bono counsel is an attorney responsible for overseeing the design, coordination, and evaluation of a firm's pro bono program. The economic benefits of hiring pro bono counsel include enhancing the firm's recruitment, retention, rankings, and reputation, while offering individual lawyers crucial training and career-development opportunities they need to advance in billable practice. Pro bono counsel's duties can include the following:

- Showcasing their firm's attorney involvement through public-relations work;
- Overseeing the allocation of resources and the development of firm projects;
- Assuring compliance with firm policies and acting as a gatekeeper, e.g., screening for conflicts of interest;
- Reviewing and approving intakes;
- Reviewing monthly pro bono time reports, budgets, hours, and attorney progress;
- Creating and monitoring budgets that track policy-driven goals;
- Communicating strategically with the Pro Bono Committee;
- Maintaining and cultivating relationships with legal service providers and soliciting opportunities from nonprofits; and
- Reporting on pro bono activities to outside groups.
STEP 4
Become integrated in the pro bono community.
The most effective way of bringing in relevant and meritorious cases is to develop relationships with nonprofit organizations and bar associations. Nonprofit legal aid attorneys are on the ground level and have a deeper and more complex understanding of what the needs are in the community. Just like billable clients, these organizations are stakeholders in the success of a firm’s pro bono practice, and their satisfaction should be important.

STEP 5
Maintain an active internal and external program.
Internally, a firm’s pro bono program should always have new and interesting cases coming in that are germane to the firm’s practice areas, lawyer interests, and professional development of new associates. Externally, the firm should produce a pro bono annual report or brochure highlighting important and interesting matters, including significant victories. Although intended as a media piece, it also boosts morale, promotes more involvement in pro bono opportunities, and alerts clients and the community about the good work the firm is doing on a regular basis throughout the year.

There is no denying that, in the end, law firms are businesses and pro bono programs that include a pro bono counsel come at a cost. However, firms that already have either pro bono counsel or a pro bono coordinator will testify that the economic benefits are likewise undeniable. Pro bono work exceeds pragmatic and altruistic objectives. More firms than ever before are professionalizing their pro bono service by hiring dedicated personnel to coordinate and supervise their pro bono programs. Professionalizing your pro bono practice will tremendously benefit not only your individual attorneys and law firm, but will have an incredible impact on the lives of historically underserved constituencies and deserving clients.

Joanna Plichta Boisen is pro bono counsel at Foster Pepper PLLC. Her practice is concentrated in litigation and dispute resolution with a focus on providing pro bono legal representation to persons of indigent means and 501(c)(3) nonprofit entities. She directs and manages Foster Pepper’s wide-ranging pro bono cases and projects, advises the firm on pro bono policy, serves as a liaison to local public-interest organizations, and authors the firm’s pro bono annual reports. She also oversees the allocation of pro bono resources and the development of firm pro bono projects and priorities.
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- ABA Military Pro Bono Project: 312-988-5783; www.militaryprobono.org
- Columbia Legal Services: www.columbialegal.org
- Legal Voice (women’s law): www.nwwlc.org
- Northwest Immigrant Rights Project: www.nwirp.org
- Northwest Justice Project: www.nwjustice.org
- TeamChild: www.teamchild.org
- Unemployment Law Project: www.unemploymentlawproject.org
- Washington Attorneys Assisting Community Organizations: www.waaco.org
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- Family Law CASA of King County: 206-748-9700; cddavis@familylawcasa.org; www.familylawcasa.org
- King County Bar Association Pro Bono Services: 206-267-7100; tovolunteer@kcba.org; www.kcba.org/pbs/volunteers.aspx
- King County Dependency CASA Program: 206-296-1120; janet.harris@kingcounty.gov
- Legal Action Center: 206-324-6890
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- University of Washington School of Law Federal Tax Clinic: www.law.washington.edu/clinics/tax
- Volunteer Advocates for Immigrant Justice: 206-359-6200; juliann@valj.org
Please join us at the 16th annual Access to Justice/Bar Leaders Conference to be held June 3–5, 2011, at the Three Rivers Convention Center in Kennewick. The conference will focus on “Eliminating Bias in the Justice System: A Call to Action and Service.” We are pleased to welcome keynote speaker Dr. LUIS RICARDO FRAGA, associate vice provost for faculty advancement, Russell F. Stark university professor, and professor of political science at the University of Washington. Professor Fraga is also Board president of OneAmerica (formerly Hate Free Zone) and director of the University of Washington’s Diversity Research Institute. Registration is available at www.mywsba.org. The registration fee is $149; students $75. If you have questions, contact Pamela Wuest at pamelaw@wsba.org regarding the Access to Justice Conference or La’Chris Jordan at lachrisj@wsba.org regarding the Bar Leaders Conference.
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Passion for Pro Bono: A Conversation with Law Students and Lawyers

“Follow your passion. Don’t do pro bono just to pad your résumé. Do it because you’re doing something you love, and then you’ll do it well.” — Breean Beggs

All three law schools in Washington state — Gonzaga University, Seattle University, and the University of Washington — offer numerous opportunities for law students to do public service. Each school has a strong clinical program and vibrant externship offerings, with a variety of opportunities for law students to engage with private lawyers to do pro bono work. We gathered a few of these lawyers and law students to talk about what they do and why.

Participants:

Michele Storms, the discussion moderator, is the assistant dean for public service at University of Washington School of Law.

Breean Beggs is a civil trial lawyer at Paukert & Troppmann, PLLC, in Spokane. He previously served six years as the chief catalyst at the Center for Justice, a nonprofit public-interest law firm in Spokane. Breean is the co-founder of three public-interest law projects: Street Law, Whatcom Civil Rights Project, and Community Advocacy.

Brian Endter is a partner with Graham & Dunn, PC in Seattle. He is a business attorney and works extensively with rapidly growing, innovative companies.

Chris Longman graduated from Gonzaga University School of Law after completing Western Washington University’s Law and Diversity Program. While in law school, he worked for the City of Spokane, as well as for the Center for Justice.

Meghan Casey is a second-year law student at Seattle University, and is primarily interested in immigration law and interna-
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Moderator: Chris, you’re a new lawyer; tell us your experience with pro bono as a law student and as an attorney.

Chris Longman: I graduated from Gonzaga and passed the summer bar. I was looking for something to do to fill that void between taking the bar exam and waiting for results. I worked with Breean Beggs on pro bono cases, and I worked with one of the legal aid organizations in town. My pro bono work put a human face on all of the time and energy put into the black-letter exercise of law school and the bar; it re-humanized the law for me.

Moderator: Let me turn to the current students. What has drawn you to volunteer as a student? What pro bono programs are you involved with?

Janet Gwilym: My main focus is the Immigrant Families Advocacy Project. We train students to do a U-Visa “crime victim” petition for immigrant survivors of domestic violence. We get our cases from the Northwest Immigrant Rights Project and recruit pro bono attorneys who work with students on the cases. Our attorneys are incredible and inspiring. A lot of them are very experienced immigration attorneys who are great at mentoring students.

Meghan Casey: I worked in nonprofits before law school where we had pro bono attorneys, and I’ve done volunteering in law school. It has been incredibly valuable to me to see the real impact that you have on clients. This has defined how I approach my law school experience: with a strong vision of service.
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I’ve seen the huge need for pro bono work; it’s almost an emergency room-style situation. It is a relief to help and to know that person’s going to be in good hands.

Kaydee Snipes: During my time at Gonzaga University, I’ve worked with several nonprofit organizations. I plan to pursue public-interest law upon graduation. My passion is to understand and help people from other cultures, socioeconomic statuses, races, genders, and backgrounds outside of my own reality. I want to help those who face various life obstacles.

Moderator: Brian, how are you working with law students, and what motivates you to do pro bono and to work with law students?

Brian Endter: Through the University of Washington Entrepreneurial Law Clinic. We have teams including transactional lawyers, transactional tax, IP law students, and MBA students to provide services for small businesses or individual entrepreneurs. It’s nice for me, because my practice is exclusively on the transactional side, as a corporate and securities lawyer. This project gives me the chance to work in an area of law I know well and to share that knowledge with law students. This clinic allows us to help serve the needs of some small businesses and entrepreneurs who wouldn’t otherwise be able to get legal services.

Moderator: Breean, you’ve been a public-sector and a private-sector attorney. In both contexts you’ve worked with law students on pro bono cases. Why?

Breean Beggs: We lawyers have to reconnect with our passion. For me, part of that passion is helping other lawyers and law students find it. Pro bono speaks to that passion. I particularly like working with law students because they get to experience hands-on interaction with a client. This helps them to be great advocates down the road. By investing in these cases and the students, we are improving the world today and tomorrow, and I love that. In one case Chris and I handled, we helped a very poor, single dad have his day in court. He didn’t win the case, but he was fully heard, and...
every argument that could have been made was made. At the end, he knew he had gotten good representation. Actually, as a result of respectfully engaging with the court system, he was able to negotiate visitation with his daughter that he otherwise wouldn’t have gotten.

**Moderator: Any final thoughts you would like to share with Bar News readers?**

**Janet Gwilym:** I need to have something to keep me grounded as to why I am in law school. Working directly with clients and with practicing attorneys really helps.

**Meghan Casey:** It is really important to hold onto the passion.

**Kaydee Snipes:** Pro bono work has been one of my most positive law school experiences. Many of these clients would otherwise not receive legal help. The client’s appreciation is so monumental that sometimes I feel like I get more out of the representation than the client does. Wherever my legal career takes me, I will continue to provide pro bono or reduced-fee representation for clients who need it.

**Chris Longman:** Being there as an advocate for your client, even as unsuccessful as you can be sometimes, really is a measure of the worth of working in law.

**Brian Endter:** One of the biggest benefits I’ve seen for the law students I’ve worked with is that you get exposure to interacting with a client on both the positives and the negatives. You get that practical experience and you keep that connection with the real people you’re going to be helping out there.

**Breean Beggs:** There are many more volunteer opportunities for students than when I went to law school 20 years ago. My advice to law students is do as much of it as you can. Same for new attorneys. I’ve been a hiring partner, and that’s what I look for, people who mix it up in the trenches. Follow your passion. Don’t do pro bono just to pad your résumé. Do it because you’re doing something you love, and then you’ll do it well.
The Top 5 Myths for Avoiding Pro Bono: Making the Case for Volunteering

by Michael F. Cressey, Alison Holcomb, and Randall Winn


“If there is a particular area in which you would like to volunteer but are concerned that your experience might be an issue, training is available from the Qualified Legal Services Providers, and that means free CLE credits as you learn.”

In 2009, as part of a Pro Bono Legal Aid Survey, lawyers throughout Washington were asked to identify and rank in order of significance the various reasons for limiting their participation in pro bono service. Since it was posted, more than 700 members of the bar have completed the survey, sharing with us their perceived barriers to volunteering. You will probably relate to the top five barriers noted by respondents. We hope the following information improves your comfort level with pro bono service and inspires you to commit to pro bono service this year.

1. I don't have enough time. [88%]
   This was the most common of the barriers described by attorneys in the survey. Far from being an excuse, time and financial constraints are real and legitimate barriers. The RPCs set an aspirational goal of 30 hours per year, which may seem like quite a commitment to some, but works out to be two and one-half hours each month.

   The good news, however, is that your level of participation is determined by you. It can be as little as taking one phone call a month to answer questions or explain the process to someone with limited resources, or mentoring a younger attorney representing a moderate-means client. You can speak at a training CLE program for less-experienced lawyers in your field once a year for an hour. You can take on as little as one case a year. Every bit helps.

   Any investment in improving access to justice should be viewed from a long-term perspective. If
there are periods in your career in which time and treasure limit your availability, just make a point to go back and revisit the issue when your availability changes.

2 I won’t be covered by malpractice insurance. [50%]

No need to worry; virtually all of the county-based volunteer lawyer programs in Washington provide malpractice insurance to their volunteers, as do many of the other nonprofit organizations that coordinate volunteer lawyers. After deciding how you want to help, check the programs on the map provided on pages 32–33 of this issue of Bar News and then confirm directly with the programs about what coverage they offer.

3 I will need an interpreter. [49%]

Chapter 2.42 RCW provides for appointment of interpreters in judicial proceedings for persons who are “unable to readily understand or communicate the spoken English language” due to hearing or speech impairments. Chapter 2.43 RCW provides for appointment of interpreters for persons unable to readily understand or communicate English due to a non-English-speaking background. Many courts have a centralized interpreter program that screens litigants for eligibility for appointed services, and some have form motions and orders for appointment of an interpreter at county expense available online. If your client needs an interpreter for a hearing, trial, or other court appearance, he should contact the clerk’s office in the county where the case is pending for information about the local court’s interpreter procedure.

But what if you need an interpreter to interview a potential client before any litigation has commenced? Many legal aid providers have resources to connect volunteer attorneys with interpreters at reduced or no cost. If you are volunteering with one of those organizations, ask if they can help you make interpretation arrangements. For example, the Seattle area office of the American Red Cross, with the help of organized Language Bank Partners and more than 300 volunteers, offers free language interpretation — 24 hours a day, 7 days a week, in 60 languages — to individuals and community-based organizations providing vital services and basic needs in our communities. These volunteers can fill the communication gap in the initial consultation stages. Visit www.seattleredcross.org for more information.

4 I don’t have enough experience or training in those areas of the law. [58%]

The breadth of volunteer opportunities encompasses the legal spectrum. While the need is great in the more traditional civil areas such as family law, landlord-tenant, and immigration, volunteers are needed who have background or training in bankruptcy, debt collection, foreclosures, and domestic violence, as well as consumer rights, employment, and civil rights litigation. Nonprofit organizations also need volunteers to help with advocacy on issues directly impacting access to justice.

If there is a particular area in which you would like to volunteer but are concerned that your experience might be an issue, training is available from the Qualified Legal Services Providers, and that means free CLE credits as you learn. Look also for future free and low-cost CLEs offered by the WSBA, which will be available to attorneys who are participating in pro bono and public-service programs. WSBA will develop these online and in-person training opportunities to support its strategic goal to enhance the culture of service among members. Many legal aid programs
also offer mentors to volunteer attorneys, who can answer questions as they arise.

5 I don't know where to start. [30%]
First, think about what kind of cases you would like to handle, and where you can help out. Don’t feel constrained to work only in your home county; there’s nothing wrong with helping at a program in another area.

Next, consult the map on pages 32–33 of this issue of Bar News for a directory of programs accepting volunteers. You will be inspired by the breadth of volunteer opportunities across our great state! Find out more about each of these programs and the clients they serve by looking online or contacting them directly.

Once you’ve located organizations that meet your criteria, contact them for information. It may be that one organization will have a greater need, or simply click better with your schedule and interests. Just as when you are interviewing a new client, you’ll want to get comfortable with your mutual expectations; each organization may have its own training, procedures, and so forth. What all have in common is that they’re willing to work with you to make your pro bono experience efficient, rewarding to you, and helpful to your client.

The process of finding a program to work with can take less time than a single game of Solitaire or Angry Birds. Why not start now?

We should all endeavor to meet the aspirational goals set forth by the RPCs for pro bono participation to the fullest extent of our resources and ability. Bottom line: The need is great. The opportunities abound. Hands-on help, training, and support is generously provided. Your level of commitment is self-determined. The benefits are real and significant. Make a difference in your life and the lives of others.

What more need we say? Try it — you’ll like it! ☺️

Michael Cressey is an attorney in private practice with the firm of Workland & Witherspoon, PLLC in Spokane. He is licensed in Washington and California and practices employment law, professional liability defense, and civil litigation in both states. Alison Holcomb is drug policy director at the ACLU of Washington. Before joining the ACLU, she defended drug and civil asset forfeiture cases in state and federal courts throughout Washington. Randall Winn takers at the intersection of law and technology; follow him on Twitter at www.twitter.com/4freeCLE and on his blog at www.rewinn.blogspot.com.

NOTE
1. The Pro Bono Interests and Skills Survey is available for completion at the WSBA website by clicking on “Committees” and selecting “Pro Bono and Legal Aid Committee” It is free, anonymous, and your participation makes a difference.

By the Numbers . . .

2010 Voluntary Reporting of Pro Bono Publico Service Hours per RPC 6.1

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<tr>
<th>Total hours reported</th>
<th>353,322</th>
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<tr>
<td>Direct service hours (6.1(a))</td>
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<tr>
<td>Indirect service hours (6.1(b))</td>
<td>146,159</td>
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<table>
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<tr>
<th>Representation of WSBA members</th>
<th>Percent of all</th>
<th>Percent of respondents</th>
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</thead>
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<tr>
<td>WSBA members reporting</td>
<td>5,518</td>
<td>17%</td>
</tr>
<tr>
<td>Members reporting 30+ hours</td>
<td>3,410</td>
<td>10%</td>
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<tr>
<td>• Members reporting 30–49 hours</td>
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<tr>
<td>• Members reporting 50+ hours</td>
<td>2,459</td>
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<th>Awards</th>
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<td>Members eligible (reporting 50+ hours)</td>
<td>2,459</td>
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<td>Anonymous</td>
<td>742</td>
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<tr>
<td>Awards to be presented</td>
<td>1,717</td>
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</table>

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Considerations for Moderate Means and Pro Bono Representation

BY JEANNE MARIE CLAVERE

In these dismal economic times, a significant number of Washingtonians are unable to afford attorneys. Great efforts have been made by the access to justice community and the Washington State Bar Association public-service programs to supplement and provide resources needed by pro bono litigants. However, these efforts still fall short of the growing need for services; the need for volunteers is greater now than ever before. Case in point: a high percentage of litigants in family law and eviction cases are unrepresented.

Lawyers continue to donate their time providing pro bono and modest means legal services, an astounding effort. Nevertheless, this does not absolve the lawyer of her ethical duties to provide competent, confidential, and conflict-free representation to the client. Some examples are discussed below.

- **RPC 1.2** reviews the scope of representation and allocation of authority between an attorney and client. In this rule, attorneys and clients may agree to limited services representation provided that the limitation based on the scope is reasonable under the particular circumstances. This does not exempt a lawyer to provide competent representation.

  - Services provided by legal services organizations, courts, and various nonprofit organizations are understandably limited in scope. **RPC 6.5** requires a “conflicts check” only if the lawyer knows if the representation presents a conflict. However, if representation will be on an ongoing basis, the Conflict of Interest RPCs 1.7, 1.8, 1.9, and 1.10 are applicable.

  - Fees and expenses paid in advance of performance of services must be in compliance with rule 1.15A. All fees and expenses paid in advance of performance are advance fee deposits, and this agreement must be in writing.

  - An availability retainer is a fee paid to a lawyer to be available during a specified period or on a specified matter — this also must be in writ-

**CR 4.2** and **CR 70.1** allow a lawyer to provide limited legal services in a civil proceeding in superior, district, or municipal court. However, the lawyer must obtain the consent of the client in advance, provide a written notice of limited appearance before or at the hearing, and must comply with the RPCs, including the duty to provide competent representation.

- **CR 11** clarifies that the requirements and risks of CR 11 will generally be applied to lawyers providing drafting assistance for any pleadings, motions, or documents filed by an otherwise self-represented person. However, the attorney may rely on the otherwise self-represented person’s representation of the facts unless the attorney has reason to believe that the representations are false or materially insufficient, in which case the attorney shall make an independent reasonable inquiry into the facts.

For clarification of members’ individual questions regarding these and other ethics issues, contact the WSBA Ethics Line at 206-727-8284 or 800-945-9722, ext. 8284. These issues are dealt with at more length in a free online training available to volunteers in the WSBA Moderate Means program. For more information, see www.wsba.org.

Jeanne Marie Clavere is a WSBA professional responsibility counsel and can be reached at jeannec@wsba.org.
Numerous major corporations in Washington care about pro bono and have corresponding corporate social responsibility charters; in fact, many of them are signatories to the Pro Bono Institute’s Corporate Pro Bono Challenge, including Starbucks, Microsoft, AT&T, Bank of America, and others (full list at www.cpbo.org/challenge).

More than 20,000 individuals and families received legal help from volunteer attorneys in 2010. The most common legal problems related to family law, housing issues, consumer and debt problems, and immigration assistance.

The area with the highest rate of attorney volunteer participation is Chelan and Douglas counties, where the local volunteer lawyer program reports that over 40 percent of the local bar volunteers with the program.

A recent Pro Bono Net national survey found that 75 percent of pro bono attorneys take volunteer cases because it is personally fulfilling.

Most pro bono programs offer malpractice insurance coverage, so attorneys who volunteer with those organizations are automatically covered. Check with the program directly to confirm.

Volunteer attorneys who meet the requirements can earn six hours of CLE credit each year for completing pro bono work through a qualified volunteer lawyer program. See Washington MCLE Regulation 103(f).

Now that the Washington State Supreme Court has adopted GR 34, volunteer attorneys representing low-income clients do not need to spend a morning at the courthouse to obtain a waiver of mandatory court fees and surcharges. Under the new rule, requests for waivers can be made by mail.
The only missing piece is you.

The WSBA Moderate Means Program.

So many of our state’s low- and moderate-income families are unable to obtain the legal help they need, simply because they cannot afford it. The need is great, especially in the areas of family, housing, and consumer law.

A survey conducted several years ago found that approximately 75 percent of Washingtonians of moderate means — those who are within 200–400 percent of the federal poverty level — experience at least one legal problem each year. Many go without legal help.

To help address this serious problem, the WSBA created the statewide Moderate Means Program, a reduced-fee lawyer-referral service designed to help bring greater access to justice for people of moderate means. The WSBA is partnering with Washington’s three law schools to implement this exciting program; law students will handle the client intake and referral to participating lawyers.

Why Should I Participate?

Help yourself while helping others!

• Provide public service and help close the access to justice gap.
• Obtain free referrals to help build your client base.
• Learn new skills and expand your practice areas through free or low-cost online trainings.
• Gain increased access to mentoring and peer support opportunities.

How Do I Sign Up?

In order to be eligible to participate, you must be an active member of the WSBA, and you must carry your own malpractice insurance. All lawyers applying to participate will be subject to a discipline screening. Lawyer registration is done online through mywsba.org, where you will complete a short registration form. Simply go to www.mywsba.org and click on the Moderate Means Program logo.

What’s Next?

Referrals will begin later this spring. When a service opportunity arises, you will be contacted by a student at one of the three Washington law schools.

For more information, please visit the Frequently Asked Questions page. You can also contact WSBA Public Service Manager Catherine Brown at 206-733-5905 or catherineb@wsba.org.

Enhancing Our Culture of Service

Public service is a hallmark of the legal profession. Through projects like the Moderate Means Program, the WSBA is enhancing our culture of service, providing ways for lawyers to give back to the communities of which they are such an integral part.

A partnership between the WSBA and Washington’s three law schools: Gonzaga University School of Law, Seattle University School of Law, and the University of Washington School of Law.
Civility in Our Conversations about Race and Culture

BY JUDGE MARY I. YU

Can we talk about race? Can we genuinely engage our friends, neighbors, and colleagues in a serious conversation about race and culture without inflicting pain or guilt upon one another? Can you recall the last conversation you may have had about the topic and how it ended?

Our temptation may be to politely decline or avoid at all costs any discussion on the state of race relations or the impact of multi-cultural growth in our community because of our fear of being misunderstood. We worry about not being heard or perhaps we dread discovering what someone’s “true” opinions might be about the topic. We wonder who we can trust with our stories or honest questions.

But as lawyers and leaders in our community, should we be afraid of the conversation just because it is difficult? The fact is, we are becoming a multi-cultural and multi-racial community. Recent events involving police use of force in minority communities have called into question the integrity of our police and dictate the rules of the discussion. As lawyers and leaders in our community, we have a responsibility and an obligation to explore and address the specific “systems” or institutional practices that directly impact minority communities. We stand in a unique position to examine the state of our system of justice needs to be the focus of conversation in our personal and professional lives. We can talk about race and we can do it with civility.

The principles underlying the practice of civility can guide us into the conversation and dictate the rules of the discussion. As noted in Bar News articles by Paula Lustbader and Stella Rabaut, civility is more than politeness; “civility is courage with kindness.” The practice of civility permits us to listen with our hearts to the experiences of others; to comprehend the feeling of alienation and of being an outsider. Civility calls us to step outside of our own lived experience and to engage in a sincere exploration of another through the simple art of listening before speaking. Civility challenges us to reflect and ponder upon what we have heard before making a judgment. Civility calls us to a state of compassion and empathy.

An active and civil engagement about a difficult topic such as race would also permit us to reveal our own biases, share our unfamiliarity of traditions and practices, and expose our ignorance of certain facts without causing personal pain to another. And when we inadvertently cause pain to another, civility requires an apology and a request to rewind and start over. At the same time, the practice of civility also requires vulnerability; it means that some of us must take the risk of sharing the pain of being on the receiving end of bigotry, both real and perceived, with the hope that the listener might better understand its impact.

Finally, the practice of civility requires patience and restraint: patience in having to repeat what has been said by others so many times before and in having to share once again; and restraint from reacting at an emotional level to what we think we heard.

You might ask yourself, “Why bother? It sounds like a lot of work! So why even have the conversation?” We need to have the conversation because of our unique role and function in a democracy and the pressing need to restore faith in our system of justice. Despite the colossal progress we have made towards achieving equality for all across this nation, there still exists a massive racial chasm that gets exposed through high-profile cases in our criminal justice system, or even by remarks made by a Supreme Court justice.

In their 2010 study Justice in America: The Separate Realities of Black and Whites,1 Mark Peffley and Jon Hurwitz offer a rigorous examination of how the different realities of African Americans and European Americans influence the respective perceptions of justice and the legal system. These scholars offer extraordinary insight into how the radically different experiences of African Americans and whites explain the polarized views of our legal system and whether they believe justice will be delivered fairly. The conclusions are troubling and offer a compelling reason to get engaged in a conversation about race. Frankly, in order to better understand the lived experiences of one another, we must wade into the muddy waters of having a candid conversation about the topic. We must “bother” with listening and learning about the many forms of racial injustice experienced by communities of color and find ways we can move forward together.

As lawyers, we are responsible for maintaining a system of justice that is not only fair in its application of the law, but that is also perceived as fair by the broader community. We stand in a unique position to explore and address the specific “systems” or institutional practices that directly impact how members of minority communities experience or perceive our courts and what we do, particularly in our criminal justice system. The discussion cannot and should not be delayed; the restoration of confidence in our system of justice needs to be the focus of conversation in our personal and professional lives. We can talk about race and we can do it with civility.

This series produced in association with:

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Judge Mary I. Yu has been on the King County Superior Court since 2000. She is the Washington State Superior Court Judges’ Association representative to the Judicial Division of the American Bar Association; a member of the Superior Court Judges’ Association Civil Law and Procedure Committee (chair from 2005–2008); and past-president of the Judge Dwyer American Inn of Court, Seattle Chapter.

NOTE
Welcome to the future

WSBA’s new website debuts this month.
< reimaged and redesigned with you in mind >
ABA House of Delegates
Application deadline: May 12, 2011
The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving on the ABA House of Delegates representing the WSBA. Three positions, one of which is for a member under 35 years of age, and one alternate position will be available in August 2011. A written expression of interest and résumé are required for any incumbents seeking reappointment. The control and administration of the ABA are vested in the House of Delegates, the policymaking body of the ABA. The House, composed of approximately 550 delegates, elects the ABA officers and board, and meets out of state twice a year. Delegate attendance is required. The WSBA allowance is $800 per year per delegate. Terms are two years, and members may serve a maximum of three consecutive terms. Those serving on the ABA House of Delegates must be ABA members in good standing throughout their terms. Submit letters of interest and résumés to the WSBA Communications Department, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539; or email barleaders@wsba.org.

Application deadline: May 15, 2011
The Council on Public Defense was established to implement the recommendations of the WSBA Blue Ribbon Panel on Criminal Defense, which was appointed by the Board of Governors in spring 2003 as a first step in addressing concerns about the quality of indigent defense services in Washington. The Council meets once per month on average. One position is available for a private attorney representative. The term begins June 1, 2011, and ends September 30, 2012. If interested, please complete the committee application posted on the WSBA website, and fax or email the form as directed on the application.

Washington State Bar Foundation Board of Trustees
Application deadline: June 30, 2011
The Washington State Bar Foundation is the fundraising arm of the WSBA. Its mission is to provide financial support for WSBA programs that promote diversity within the legal profession and enhance the public’s access to and understanding of the justice system. Bar Foundation funding helps to power vital programs like the WSBA Moderate Means Program, the WSBA Leadership Institute, and more. The WSBA Board of Governors is seeking to fill five positions on the Washington State Bar Foundation Board of Trustees, three of which are open to WSBA members. Terms begin on October 1, 2011, are for one, two, or three years, and are renewable. Trustees are stewards of the Bar Foundation, a 501(c)(3) nonprofit entity, and are actively involved in all aspects of donor development. To learn more about time and financial commitments, contact Megan McNally, WSBF director of development, at meganm.foundation@wsba.org, 206-727-8272, or 800-945-9722, ext. 8272. To be considered, submit a cover letter and résumé by email to foundation@wsba.org.

Seeking Questionnaires from Candidates for Judicial Appointments
Deadline: May 6, 2011, for June 17, 2011, interview
The WSBA Judicial Recommendation Committee (JRC) is accepting questionnaires from attorneys and judges seeking consideration for appointment to fill potential Washington State Supreme Court and Court of Appeals vacancies. Interested individuals will be interviewed by the Committee on the date listed above. The JRC’s recommendations are reviewed by the WSBA Board of Governors and referred to Governor Gregoire for consideration when making judicial appointments. Materials must be received at the WSBA office by the deadline listed above. To obtain a questionnaire, visit the WSBA website at www.wsba.org or contact the WSBA at 206-727-8212 or 800-945-9722, ext. 8212; or e-mail judithb@wsba.org.

McKenna and Mungia Named Co-Chairs of 2011–2012 Campaign for Equal Justice
Attorney General Rob McKenna and WSBA Immediate Past-President Salvador Mungia have been named co-chairs of the 2011–2012 Campaign for Equal Justice, Washington’s annual fund drive efforts to ensure that access to the justice system is a reality for everyone in our state — not just for those who can afford a lawyer. McKenna and Mungia will be championing charitable support of civil legal aid to Washington’s judges, attorneys, law firms, corporations, foundations, and the public at large. Their aim is to raise $1.5 million to help stabilize legal aid services for those in need. Preceding McKenna and Mungia...
as Campaign co-chairs were Bill Gates Sr., John McKay, Hon. Gary Locke, Hon. Slade Gorton, Paula Boggs, and Bill Neukom.

**2011 Licensing and MCLE Information**

**Licensing Suspensions.** The license renewal deadline was February 1. If license fees were not paid by the due date, late fees were assessed and are also due. As required by the Bylaws, a recommendation for suspension of non-compliant members (members who haven’t completed and filed required forms or paid fees and assessments owed) were sent to the Supreme Court in late April. Any suspensions ordered are expected to be effective in early May.

**MCLE Suspensions.** The MCLE reporting deadline was February 1. As required by APR 11.6(c), if you were due to complete MCLE requirements for 2008–2010 (Group 1) and have not done so, a recommendation for suspension of non-compliant members (members who have not completed credits, the C2 certification form, or paid the late fee) was sent to the Supreme Court in late April. Any suspensions ordered are expected to be effective in early May.

**WSBA Reviewing Rules for Enforcement of Lawyer Conduct**

A WSBA task force has been reviewing the Rules for Enforcement of Lawyer Conduct (ELC), the procedural rules that govern Washington’s lawyer discipline system. At the March Board of Governors meeting, the task force reported to the Board on a number of the ELC amendments being considered. A matrix of the suggested amendments and information about the task force are on the WSBA website (www.wsba.org). Please send any comments by July 1, 2011, to Scott Busby, ELC task force reporter, at scottb@wsba.org.

The final two meetings of the task force are scheduled for May 19, 2011, and June 30, 2011, at the WSBA offices. It is anticipated that the task force will present its final report at the July 22–23 Board meeting and ask the Board of Governors to approve the proposed changes for submission to the Washington State Supreme Court.

**Washington State Access to Justice and WSBA Bar Leaders Conferences**

Please join us at the 16th annual Access to Justice/Bar Leaders Conference to be held June 3–5, 2011, at the Three Rivers Convention Center in Kennewick. The conference will focus on “Eliminating Bias in the Justice System: A Call to Action and Service.” We are pleased to welcome keynote speaker Dr. Luis Ricardo Fraga, associate vice provost for faculty advancement, Russell F. Stark university professor, and professor of political science at the University of Washington. Professor Fraga is also Board president of OneAmerica (formerly Hate Free Zone) and director of the University of Washington’s Diversity Research Institute. Registration is available at www.mywsba.org. The registration fee is $149; students $75. If you have questions, contact Pamela Wuest at pamela@wsba.org regarding the Access to Justice Conference or La’Chris Jordan at lachrish@wsba.org regarding the Bar Leaders Conference.

**Get More out of Your Software**

The WSBA offers hands-on computer clinics for members wanting to learn more about what office software, such as Microsoft Outlook and Word and Adobe Acrobat, can do for a lawyer. We also cover online legal research such as Casemaker and other resources. Are you a total beginner? No problem. The clinic teaches helpful tips you can use immediately. Computers are provided, or bring your laptop. Seating is limited to 15 members. The May 9 clinic will meet from 10:00 a.m. to noon at the WSBA office and will focus on using Microsoft Outlook and practice management software. The May 12 clinic will meet from 2:00 to 4:00 p.m. and will focus on using Casemaker, CourtTrax, and other online research resources. There is no charge and no CLE credits. To reserve your place, contact Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, or juliesa@wsba.org.

**“Foundations of American Democracy” Civics Pamphlet**

The WSBA offers a pamphlet for the public called “Foundations of American Democracy” that describes the basics of American government: the rule of law, the separation of powers, checks and balances, and a fair and impartial judiciary. It also includes a short quiz and a list of useful websites. Lawyers and judges are encouraged to bring the pamphlet with them when they speak to students or the public in schools, courtrooms, and the community. Teachers may also request the pamphlet for classroom use. The WSBA can provide reasonable numbers of copies at no charge, or the pamphlet may be downloaded from the WSBA website at www.wsba.org. Requests for copies should be directed to Pam
Inglesby, WSBA outreach programs manager, at pami@wsba.org.

LOMAP and Ethics on the Road: The 2011 Traveling Seminar
The WSBA comes to you! Join us in Spokane on June 8; Pullman on June 28; Walla Walla on June 29; or Richland on June 30, 2011. Four ethics credits are available and the cost is $99. To register, call or email Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, or juliesa@wsba.org. For additional information, please see www.lomap.org.

Weekly and Monthly Job Search Groups
Join us Wednesday, May 11, from noon to 1:30 p.m. at the WSBA office. Career consultant Anne Kosterlitz will be speaking to our monthly group to help you assess which career direction will be an ideal match for your skills and personality. Kosterlitz was a practicing attorney for over 30 years and truly understands the challenges of legal work. No RSVP is required. WSBA Lawyer Services also hosts a weekly job seeking group that provides strategy and support to unemployed attorneys. The group runs for eight weeks and is limited to eight attorneys. Contact Dan Crystal at 206-727-8267, 800-945-9722, ext. 8267, or danc@wsba.org. To access additional job search resources, visit www.wsba.org.

Work/Life Balance Group
The WSBA Lawyers Assistance Program is currently offering “From Surviving to Thriving: Achieving a Meaningful Work/Life Balance.” This eight-week group offers both strategy and support for this critical topic. If you are interested in participating in the next group, contact Heidi Seligman at 206-727-8269, 800-945-9722, ext. 8269, or heidis@wsba.org.

Interested in Mindful Lawyering?
A growing number of legal professionals across the nation are applying mindfulness-based skills and training to lawyering. The Washington Contemplative Lawyers group is meeting on the last Wednesday of each month at the WSBA Lawyers Assistance Program at 8:15–9:00 a.m. The group explores ways in which mindfulness practices may lead to more effective delivery of quality legal services, increased professionalism, and lawyer well-being and health. For more information, contact Sevilla Rhoads at srhoads@gsblaw.com. You can learn more about mindful lawyeringer at www.law.buffalo.edu/baldycenter/mindfullaw.

Facing an Ethical Dilemma?
Members facing ethical dilemmas can talk with WSBA professional responsibility counsel for informal guidance on analyzing a situation involving their own prospective ethical conduct under the RPCs. All calls are confidential. Any advice given is intended for the education of the inquirer and does not represent an official position of the WSBA. Every effort is made to return calls within two business days. Call the Ethics Line at 206-727-8284 or 800-945-9722, ext. 8284.

Search WSBA Ethics Opinions Online
Formal and informal WSBA ethics opinions are available online at http://mcle.mywsba.org/io, or from a link on the WSBA homepage, www.wsba.org. You can search opinions by number, year issued, ethical rule, subject matter, or keyword. Ethics opinions are issued by the WSBA to assist members in interpreting their ethical obligations in specific circumstances.

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The opinions are the result of study and analysis in response to requests from WSBA members. For assistance, call the Ethics Line at 206-727-8284 or 800-945-9722, ext. 8284.

**Tip of the Month: Overwhelmed?**
It’s easy to become overwhelmed by billable hour requirements, managing your practice, or the sheer volume of files piled up in your office. Feelings of being overwhelmed can quickly turn into avoidance, then paralysis. If you’d like some tips on handling overload, call the WSBA Lawyers Assistance Program at 206-727-8268 or 800-945-9722, ext. 8268.

**Speakers Available**
The WSBA Lawyers Assistance Program offers speakers for engagements at county, minority, and specialty bar associations, and other law-related organizations. Topics include stress management, life/work balance, and recognizing and handling problem-personality clients. Contact Peggy Harkrader, lawyer services coordinator, at 206-727-8268, 800-945-9722, ext. 8268, or peggyh@wsba.org.

**Help for Judges**
The Judges Assistance Services Program provides confidential assistance to judges experiencing personal or professional difficulties. Telephone or in-person sessions are available on a sliding-scale basis. For more information, call the program coordinator at 206-727-8268 or 800-945-9722, ext. 8268.

**Casemaker Online Research**
Casemaker is a powerful online research library provided free to WSBA members, that can be accessed from the WSBA website at www.wsba.org. For help using Casemaker, contact Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, juliesa@wsba.org, or call the WSBA Service Center at 800-945-WSBA (9722) or 206-443-WSBA (9722).

**Learn More about Case-Management Software**
The WSBA Law Office Management Assistance Program (LOMAP) maintains a computer for members to review software tools designed to maximize office efficiency. LOMAP staff is available to provide materials, answer questions, and make recommendations. To make an appointment, contact Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, or juliesa@wsba.org.

**Upcoming Board of Governors Meetings**
- **June 3, Kennewick**
- **July 22–23, Ocean Shores**
- **September 22–23, Seattle**

With the exception of the executive session, Board of Governors meetings are open, and all WSBA members are welcome to attend. RSVPs are appreciated but not required. Contact Margaret Shane at 206-727-8244, 800-945-9722, ext. 8244, or margarets@wsba.org. The complete Board of Governors meeting schedule is available on the WSBA website at www.wsba.org.

**Usury Rate**
The average coupon equivalent yield from the first auction of 26-week treasury bills in April 2011 was 0.132 percent. Therefore, the maximum allowable usury rate for May is 12 percent. Information from January 1987 to date is on the WSBA website at www.wsba.org.

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- Nearly 30% of Washington residents live below 200% of the poverty level
- Only 1 in 5 people will receive help for an urgent legal problem this year
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Sources: 2010 US Census; King County Crisis Clinic (2008-2010 comparison)

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Disciplinary Notices

These notices of imposition of disciplinary sanctions and actions are published pursuant to Rule 3.5(d) of the Washington State Supreme Court Rules for Enforcement of Lawyer Conduct, and pursuant to the February 18, 1995, policy statement of the WSBA Board of Governors. For a complete copy of any disciplinary decision, call the Washington State Disciplinary Board at 206-733-5926, leaving the case name, and your name and address.

Note: Approximately 30,000 persons are eligible to practice law in Washington state. Some of them share the same or similar names. Bar News strives to include a clarification whenever an attorney listed in the Disciplinary Notices has the same name as another WSBA member; however, all disciplinary notices should be read carefully for names, cities, and bar numbers.

Reprimanded

Geoffrey C. Cross (WSBA No. 3089, admitted 1968), of Tacoma, was reprimanded following approval of a stipulation by order of a hearing officer on February 8, 2011. This discipline is based on conduct involving a conflict of interest.

In February 2008, Mr. Cross appeared in King County Superior Court for a client who was charged with theft of a motor vehicle. The client told Mr. Cross that his relative, "FS," who had multiple felony convictions, was the perpetrator of the crime. FS had been charged a month earlier with theft of a motor vehicle in Kitsap County Superior Court. Mr. Cross directed an investigator to obtain documents from the Kitsap County Court file, which he provided to his client and the police. Mr. Cross told the police that it was FS who had committed the crime in the King County case.

Later, FS was arrested in Kitsap County on a warrant issued in the Kitsap County case. FS asked Mr. Cross to represent him. Mr. Cross told FS he could not represent him due to a conflict of interest, but an associate employed at his firm, where Mr. Cross was the principal, could represent him. Mr. Cross represented his client until he was discharged by the client in December 2008, and his associate represented FS until May 2009. Neither Mr. Cross's client nor FS gave their informed consent, confirmed in writing, to any conflict of interest related to the two cases. Even after Mr. Cross was discharged, his client continued to maintain that FS was the perpetrator of the crime in the King County Court matter, and the victim later identified FS as the perpetrator of that crime.

Mr. Cross's conduct violated RPC 1.10(a), stating that, while lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7 (Conflict of Interest, Current Clients) or 1.9 (Duties to Former Clients).

Scott G. Busby represented the Bar Association. Mr. Cross represented himself. Malcolm L. Edwards was the hearing officer.

Reprimanded

James F. O'Rourke Jr. (WSBA No. 35213, admitted 2004), of Portland, Oregon, was reprimanded, effective February 17, 2011, by order of the Washington State Supreme Court imposing reciprocal discipline in accordance with an order by the Supreme Court of the State of Oregon. This discipline is based on conduct involving failure to provide competent representation.

For more information, see the Oregon State Bar Bulletin (December 2010), available at www.osbar.org/publications/bulletin/10dec/baractions.html.

Mr. O'Rourke's conduct violated Oregon's RPC 1.1, requiring a lawyer to provide competent representation to a client, which requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

Joanne S. Abelson represented the Bar Association. Mr. O'Rourke represented himself.

SuspendedPending the Outcome of Disciplinary Proceedings

Benjamin L. Carter (WSBA No. 36605, admitted 2005), of Bellevue, was suspended pending the outcome of disciplinary proceedings pursuant to ELC 7.2(a)(3), effective March 11, 2011, by order of the Washington State Supreme Court. This is not a disciplinary sanction.

Suspended Pending the Outcome of Disciplinary Proceedings

David R. Fox (WSBA No. 24317, admitted 1994), of Othello, was suspended pending the outcome of disciplinary proceedings pursuant to ELC 7.2(a)(1), effective February 22, 2011, by order of the Washington State Supreme Court. This is not a disciplinary sanction.

Announcements

FLOYD, PFLUEGER & RINGER, P.S.

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has joined the firm as an associate.

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on his receipt of the
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Mac has over 15 years of mediation experience. He has mediated over 1,000 cases in the areas of maritime, personal injury, construction, wrongful death, employment, and commercial litigation.

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June 1 — Seattle and webcast. 6.25 CLE credits, including .75 ethics. By Washington State Bar Association for Justice; 206-464-1011.

Environmental Law

Environmental Challenges in Energy Project Development

Water Right Transfers 2011
May 19 — Seattle. 5.25 CLE credits. By The Seminar Group; 206-463-4400 or 800-574-4852; www.theseminargroup.net/seminar.lasso?seminar=11.wamwa.

Fisheries and Hatcheries: Legal and Regulatory Frameworks
May 20 — Portland and webcast. 4.25 CLE credits. By The Seminar Group; 206-463-4400 or 800-574-4852; www.theseminargroup.net/seminar.lasso?seminar=11.htchor.

Measuring the Incalculable: Natural Resource Damage Assessment and the Deepwater Horizon Oil Spill
May 25 — Seattle. CLE credits pending. By University of Washington School of Law; 206-543-0059 or 800-253-8648; www.law.washington.edu/cle.

Estate Planning

Estate Planning for the Unmarried Adult
June 2 — Seattle. 1 CLE credit. By McKinley Irvin Family Law Speaker Series; 206-625-6900; www.mckinleyirvin.com/resources/cle.

Family Law

Title 11 Guardianship Guardian ad Litem Training
May 5–6 — Seattle. 6.5 CLE credits pending. By KCBA-CLE; 206-267-7057; cle@kcba.org.

Title 11 Guardianship Guardian ad Litem Training Annual Re-certification
May 6 — Seattle. 6.5 CLE credits pending. By KCBA-CLE; 206-267-7057; cle@kcba.org.

Ethics

LOMAP and Ethics on the Road: The 2011 Traveling Seminar
June 8 — Spokane; June 28 — Pullman; June 29 — Walla Walla; June 30 — Richland. 4 ethics credits. By WSBA Law Office Management Assistance Program; 206-733-5914; www.lomap.org.

Bankruptcy Law

Bankruptcy Skills Training
June 28 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 806-945-WSBA or 206-443-WSBA; www.wsbc.org.
Superior Legal Writing: Winning with Words
May 11 — Seattle and webcast. 6.75 CLE credits, including .75 ethics credit. By the WSBA Family Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Institutional Racism and Lawyer Responsibilities
May 18 — Seattle and webcast. 6.25 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Key Approaches to Client Satisfaction and Communication Skills
May 24 — Seattle and webcast. 6.25 CLE credits, including .75 ethics credit. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Post-Conviction Relief for Noncitizens after Padilla v. Kentucky and State v. Sandoval
May 25 — Seattle and webcast. 1.5 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

The Business of Sports: A Sports Law CLE

LOMAP and Ethics on the Road: The 2011 Traveling Seminar
June 8 — Spokane; June 28 — Pullman; June 29 — Walla Walla; June 30 — Richland. 4 ethics credits. By WSBA Law Office Management Assistance Program; 206-733-5914; www.lomap.org.

Health Law
Hospital and Health Law Seminar
May 6 — Seattle. 6 CLE credits, including 1 ethics credit. By Washington State Society of Healthcare Attorneys; www.wssha.org/events.

Brain Injuries

Indian Law
23rd Annual Indian Law Program
May 20 — Seattle and webcast. CLE credits pending. By the WSBA Indian Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Intellectual Property
Intellectual Property Licensing
May 26 — Seattle and webcast. CLE credits pending. By the WSBA Intellectual Property Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Litigation
Litigating Class Actions

Real Property, Probate, and Trust
Eminent Domain: Current Developments in Condemnation, Valuation, and Challenges
May 19–20 — Portland. 10.5 CLE credits. By The Seminar Group; 206-463-4400 or 800-574-4852; www.theseminargroup.net/seminar.lasso?seminar=11.emdor.

Reconciling Trust Accounts (Auditors Series)
June 10 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Senior Lawyers
Annual Senior Lawyers Conference
May 13— Seattle. 2 CLE credits, including 1.75 ethics. By the WSBA Senior Lawyers Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Solo/Small Practice
Key Approaches to Client Satisfaction and Communication Skills
May 24 — Seattle and webcast. 6.25 CLE credits, including .75 ethics credit. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Managing a Small/Solo Practice

Webcast Seminars
Litigating Class Actions

Superior Legal Writing: Winning with Words
May 11 — Seattle and webcast. 6.75 CLE credits including .75 ethics. By the WSBA Senior Lawyers Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Brain Injuries

Business Law Midyear Meeting
May 13 — Seattle and webcast. CLE credits pending. By the WSBA Business Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Environmental Challenges in Energy Project Development

Institutional Racism and Lawyer Responsibilities
May 18 — Seattle and webcast. 6.25 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

23rd Annual Indian Law Program
May 20 — Seattle and webcast. CLE credits pending. By the WSBA Indian Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Fisheries and Hatcheries: Legal and Regulatory Frameworks
May 20 — Portland and webcast. 4.25 CLE credits. By The Seminar Group; 206-463-4400 or 800-574-4852; www.theseminargroup.net/seminar.lasso?seminar=11.htchor.

Key Approaches to Client Satisfaction and Communication Skills
May 24 — Seattle and webcast. 6.25 CLE credits, including 75 ethics credit. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Post-Conviction Relief for Noncitizens after Padilla v. Kentucky and State v. Sandoval
May 25 — Seattle and webcast. 1.5 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Intellectual Property Licensing
May 26 — Seattle and webcast. CLE credits pending. By the WSBA Intellectual Property Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Workers’ Compensation
June 1 — Seattle and webcast. 6.25 CLE credits, including 75 ethics. By Washington State Association for Justice; www.washingtonjustice.org; 206-464-1011.

Construction Law Midyear
June 10 — Seattle and webcast. CLE credits pending. By the WSBA Construction Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Reconciling Trust Accounts (Auditors Series)
June 10 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Avoiding Corporate Counsel
Malpractice, Negligence, and Liability
June 21 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Bankruptcy Skills Training
June 28 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

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Jeffers, Danielson, Sonn & Aylward, a well-established North Central Washington law firm seeks an associate with interest in tax, transactions, business succession and estate planning, probate, and general business. LLM degree preferred. Recognizing the academic year timing, we will begin interviews as soon as possible. Initial interviews will be conducted using Skype, with potential on-site follow-up. Candidates should have a desire to live in a small city environment with exceptional quality of life. In addition to excellence in legal skills and writing ability, our attorneys strive to develop and exhibit exemplary interpersonal and leadership skills. Please send cover letter and résumé to: Todd M. Kiesz, PO Box 1688, Wenatchee, WA 98807. Website: www.jdsalaw.com.

Environmental and real estate associate — Houlihan Law is seeking its first associate to join environmental and real estate practice. Minimum two years’ transactional and litigation experience in CERCLA, MTCA, and real estate. Submit résumé, writing sample, and letter of application detailing relevant experience via email to john@houlihan-law.com.

PATH, a global health nonprofit based in Seattle, seeks a paralegal to work with various attorneys in the Legal Affairs Division supporting clients throughout PATH. Required: Bachelor’s degree plus minimum of five years of transactional paralegal/contract administration experience working with confidential disclosure, amendments, and material transfer agreements. To view the full job description and apply online, visit PATH’s career site, www.path.org/employment.php. PATH is dedicated to diversity and is an equal opportunity employer.

Williams Kastner is seeking an attorney with at least five years’ asbestos-related defense experience for its Seattle office. Applicants should be motivated, hard-working individuals with a strong academic background. Applicants should also have excellent communication and organizational skills. Applicants must be very familiar with discovery and other aspects of the litigation process and expect to be given major client and case responsibility as soon as possible. Experience in defense litigation is required. Applicants must be licensed to practice law in Washington. Qualified applicants should send their résumé, writing sample, and copy of law school transcript to Patti Christiansen, recruiting manager, Williams Kastner, 601 Union St., #4100, Seattle, WA 98101 or pchristiansen@williamskastner.com.

Legal brief writer: A successful Washington state law firm has an opening for a legal brief writer for an active Social Security practice. The position involves working closely with the supervising attorney assigned to the case to draft briefs submitted prior to administrative hearings and appeals briefs submitted to the Appeals Council and USDC. This is a work-at-home position and residence of the candidate is not an issue. Requirements include: superior writing skill; experience in developing legal arguments from medical records; experience with Social Security Title II and Title XVI rules, regulations, and case law; ability to use digital dictation equipment for uploading your work product to our transcribers; high-speed Internet access. Interested applicants should submit a résumé and three recent legal briefs as writing samples to: Calhom and Schwab, PSC, PO Drawer 1429, Moses Lake, WA 98837.

Southwest Washington six-attorney firm looking for an associate for criminal, family, civil litigation. Experience preferred. Salary negotiable. Send résumé to JohnM@chehalislaw.com. If there are any questions, contact John McKerricher at 360-748-6641.

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Turn-key — new offices available for immediate occupancy and use in downtown Seattle, expansive view from 47th floor of the Columbia Center. Office facilities included in rent (reception, kitchen, and conference rooms). Other administrative support available if needed. DSL/VPN access, collegial environment. Please call Amy, Badgley Mullins Law Group, 206-621-6566.

Bellevue office space: Two offices available for sublease in downtown Bellevue. Rent includes shared use of conference rooms, small law library, and kitchen. Options include use of copier and covered parking. Please contact asakai@jgslaw.com.

Belltown (Seattle) law firm offering turn-key sublease. Corner lot building with large windows and beautiful cherry wood interiors. Two professional offices (18’ x 16’ and 14’ x 11’), plus one paralegal office and one staff work station. The office facilities include furnished reception room with working fireplace, built-in reception desk, furnished conference rooms, library, kitchen, working file room with high-speed copier/fax/scanner, and large basement file storage. Administrative support of high-speed Internet, cable, and VoiceIP is available. Contact accounting@aiken-lawgroup.com.

Federal Way office available in newly remodeled building in the heart of Federal Way’s professional district. Rent includes use of shared conference room, kitchen, DSL, copier, fax, and parking. Secretary station also available. Lease terms negotiable. Call 206-399-2046.

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Seattle office spaces: Sublease two spaces on the 33rd floor of 1000 2nd Avenue for $1,300/mo. or $675 for one. Includes receptionist, copier/scanner, conference rooms, and kitchen. Internet and telephone access available. Terrific views. michael@zbhlaw.com or 206-412-0702.

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I became a lawyer because I wanted to work towards evening the playing field for vulnerable and unpopular communities and put a measure of justice into the justice system.

The future of the practice of law is uncertain.

One of the greatest challenges in law today is the fact that so many people do not have lawyers in matters that are of enormous significance.

If I were not practicing law, I would be a stay-at-home dad.

If I could change one thing about the law, it would be to provide a right to appointed counsel for those who could not afford representation in most civil matters.

This is the best advice I have been given: As an advocate, you should strive to be where your passion intersects with the needs of the community.

I would share this with new lawyers: Don’t try to plan your career too much as opportunities emerge unexpectedly, but make sure that whatever you are doing, you are doing well.

Traits I admire in other attorneys: When they treat other people (especially clients and non-attorney staff) with respect.

I would give this advice to a first-year law student: Take advantage of opportunities to “practice” law while in law school before you actually have to practice law.

Someone whose opinion matters to me: My wife.

People living or from the past I would like to invite to a dinner party: Rev. Martin Luther King Jr.

I am most proud of this: Making a documentary of my grandfather and his amazing life story before his memories faded.

I am most happy when I’m with my family.

My favorite hobby/interest: Playing fútbol (aka soccer).

My favorite vacation place: Isla Mujeres, Mexico.

Best stress reliever: Playing fútbol.

A book I would recommend reading: One Hundred Years of Solitude by Gabriel García Márquez.

What keeps me awake at night: The fact that we have hundreds of people on NWIRP’s waitlist for services.

Technology is great when it brings us together, bad when it keeps us apart.

Currently playing on my iPod/CD player/record player: “Wide Awake in America” by U2.

If I could live anywhere, I would live in Barcelona, Spain.

I can’t live without (assuming we’re not talking about the really important things, like family) meat, especially red meat.

This is the hardest part of my job: The fact that there is always more to do.

This is the best part of my job: When a parent gets to stay together with his or her children because of what we do.

My name is Jorge Barón and I became the executive director of the Northwest Immigrant Rights Project (NWIRP) in April 2008, after serving as a staff attorney with the organization since 2006. I am originally from Bogotá, Colombia, and immigrated to the United States in 1986. I graduated from Duke University in 1995, and spent five years working in the film and television industry in Los Angeles, California, before pursuing a legal career. I received my law degree from Yale Law School in 2003. After graduation, I served as a law clerk for Judge Betty B. Fletcher of the U.S. Court of Appeals for the Ninth Circuit in Seattle. I then served as an Arthur Liman Public Interest Fellow at New Haven Legal Assistance Association in New Haven, Connecticut, before moving back to the Pacific Northwest and starting my position at NWIRP. In 2008, I was appointed by Governor Gregoire to serve on Washington’s New Americans Policy Council. I live in Seattle with my wife, Tyler, and our two children, Isabella and Joaquín. Call me at 206-957-8609 or email me at jorge@nwirp.org.
A Good Deal

I tried that pro bono stuff for a while, but there was no money in it.

That’s a joke I used to tell at lawyer parties because, you know, all we lawyers care about is money. Actually, I have done pro bono work throughout my career, although not as much as I should. For this themed issue of Bar News I wanted Bar Beat to address the pro bono subject, but it took me a while to think of something that hadn’t already been said. As often happens with me, my eventual inspiration came from music.

Track 9 of the Grammy-winning 2010 album The Suburbs, by Arcade Fire, is “Suburban War.” It’s luminous and I could listen to it all day. The lyrics help explain why I — and probably you — do pro bono work. The song, like the album as a whole, describes our struggle in a mobile and fragmented society to keep hold of the sense of home and community that enveloped us as children. This resonates with me, as I grew up in Seattle but have lived in Bellingham the past 20 years. Relocation is such a common scenario that I rarely meet people who live in the neighborhood where they grew up. As a result, we have trouble staying connected to the people from our young lives. As Arcade Fire puts it in “Suburban War”: “Now the cities we live in/Could be distant stars/And I search for you/in every passing car.” That’s how I feel driving through my old stomping grounds in Seattle. Although it’s only 100 miles from where I live now, it might as well be a different planet than the one where I grew up. I vaguely hope to stumble upon someone I know, but it never happens. In our disjointed, hypersonic world we’re starved for connectedness, which explains why Facebook is valued at $50 billion. Even online camaraderie, a few words at a time, is better than nothing.

I remember my first pro bono assignment, although from a legal standpoint it was the least remarkable case I’ve ever had. I was a rookie associate and it was one of the first cases I handled by myself from beginning to end. My clients were a young couple with a toddler who were struggling to get along on the father’s minimum-income job. One evening someone stole their car, took it on a joy ride, and crashed it into a utility pole and guardrail. Shortly afterward, the couple received letters from the state Department of Transportation and the power company demanding several thousand dollars in damages and threatening legal action. I don’t recall whether my clients had insurance, but in any event they were terrified that they would be sued and their car impounded or their licenses suspended. Although they were in the United States legally, they were fairly recent immigrants and had limited English skills and no legal sophistication.

It took me little time to verify with the police that the car had been stolen and was being driven by the thief when it crashed. For some bureaucratic reason or another, the DOT and power company hadn’t been aware of that. I sent them the police reports and cited law establishing that under those circumstances the vehicle’s owner could not be held liable for the damages. They dropped their claims without argument.

I had my clients come in so I could give them the good news in person. They were waiting patiently, with their little daughter, when I walked into the conference room. When I explained they were off the hook you would have thought I had donated them a kidney. They were as grateful as any paying clients I’ve had, and far more grateful than most. Of course, they got a good deal. They got free legal help that relieved them of something they feared might cost them thousands of dollars or result in the loss of their car.

But it was a good deal for me, too. It was one of my first legal victories, however modest, and one of the first times I was able to use my professional skills to help someone in my new community. At the same time, it gave me a chance to connect with people who, despite living in the same city, were (as the song says) from a “distant star” in terms of education and social status. I don’t mean that in a condescending way. To the contrary, in that conference room I was reminded that I, too, am from a working class family and wouldn’t have gotten anywhere in life without numerous people selflessly helping me along the way.

There is another extraordinary thing about “Suburban War.” It manages to be a love song as well as social commentary. The next time you’re in need of a romantic line for your special someone, you could do worse than reciting the track’s opening stanza, which follows a breathtaking, jangly Byrds-esque guitar intro: “Let’s go for a drive/And see the town tonight/There’s nothing to do/But I don’t mind, when I’m with you.”

With thanks to Arcade Fire, I pass that along pro bono publico.

Bar News Editor
Michael Heatherly
practices in Bellingham. He can be reached at 360-312-5156 or barnews editor@wsba.org.
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